

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 53080
	:	
Tsutomu OHZUKU, et al.	:	Confirmation Number: 3395
	:	
Application No.: 10/506,298	:	Group Art Unit: 1795
	:	
Filed: September 01, 2004	:	Examiner: ECHELMEYER, Alix E.
	:	
For: ANODE ACTIVE MATERIAL, MANUFACTURING METHOD THEREOF, AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY	:	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee.

**REQUEST TO CONSIDER REFERENCES AFTER CLOSE OF PROSECUTION AND
BEFORE PAYMENT OF ISSUE FEE**

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. Please charge the processing fee under 1.17(p) of \$180.00 to Deposit Account 500417.

CERTIFICATION PARAGRAPH


The undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement as described in 37 CFR 1.97(e)(1).

Each reference was cited in a European application search report and its relevance discussed therein. A copy of the European Search Report is attached for the Examiner's information. Please note that the references **"Solid-state redox potentials for $\text{Li}[\text{Me}_{1/2}\text{Mn}_{3/2}]\text{O}_4$ (Me: 3d-transition metal) having spinal-framework structures: a series of 5 volt materials for advanced lithium-ion batteries"** and **"Synthesis and Electrochemistry of $\text{LiNi}_x\text{Mn}_{2-x}\text{O}_4$ "** have been previously cited in Information Disclosure Statement filed on August 15, 2005 and September 1, 2004, respectively.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Bernard P. Codd
Registration No. 46,429

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BPC:mjb
Facsimile: 202.756.8087
Date: February 6, 2009

**Please recognize our Customer No. 53080
as our correspondence address.**